

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *

STEPHEN BECKMAN,	*	
Plaintiff,	*	
	*	
	*	C.A. No.: 03-CV-12567NG
v.	*	
	*	
BULL HN INFORMATION SYSTEMS INC.,	*	
Defendant	*	
	*	

* * * * *

**PLAINTIFF'S MOTION FOR RECONSIDERATION TO COMPEL DEFENDANT,
BULL HN INFORMATION SYSTEM INC.'S ANSWERS TO INTERROGATORIES
AND PRODUCTION OF DOCUMENTS**

Pursuant to Judge Gertner's Order dated March 31, 2005, Plaintiff hereby requests that the Court reconsider Plaintiff's Motion to Compel Defendant, Bull HN Information System, Inc.'s Answers to Interrogatories and Production of Documents. As grounds for this Motion for Reconsideration, Plaintiff provides the following:

On March 28, 2005, the Court entered an order denying Plaintiff's Motion to Compel Defendant, Bull HN Information Systems, Inc.'s Answers to Interrogatories and Production of Documents to the extent that Plaintiff requested production of information with respect to Bull HN Information's entire workforce. The Court based its decision, in part, on the fact that the Court of Appeals has held that the Age Discrimination in Employment Act (ADEA) does not impose liability for disparate impact pursuant to Mullin v. Raytheon Co., 164 F.3d 696, 703-04 (1st Cir.) cert. Denied, 528 U.S. 811 (1999). In light of the Supreme Court's recent decision in Smith v. City of Jackson, (March 30, 2005), ruling that there is in fact a claim for disparate

impact age discrimination available under the ADEA, the Court's ruling in the case at bar should be reconsidered. According to Smith v. City of Jackson, a Plaintiff may identify a practice that has an adverse impact on older workers to show discriminatory animus. The information pertaining to the company wide layoffs will further show that Bull's layoffs not only had an adverse impact on older workers, but also that the layoffs are evidence of systemic disparate treatment as well.

Mr. Beckman has established a prima facie case of age discrimination. In Thomas v. Eastman Kodak Co., 183 F.3d 38 (1st Cir. 1999), the Court of Appeals restated the "burden-shifting framework," Mulero-Rodriguez v. Ponte, 98 F.3d 670, 673 (1st Cir. 1996), first described in McDonnell Douglas Corp. v. Green, 411 U.S. 792, 36 L. Ed. 2d 668, 93 S. Ct. 1817 (1973), further developed in Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 67 L. Ed. 2d 207, 101 S. Ct. 1089 (1981), and applicable in cases involving claims of employment discrimination under Title VII as well as ADEA:

First, the plaintiff must establish a prima facie case that plaintiff (1) was within a protected class; (2) met the employer's legitimate performance expectations; (3) was adversely affected; and (4) was replaced by another with similar skills and qualifications. Once plaintiff does so, the burden shifts to the employer to produce a valid and nondiscriminatory reason for the dismissal. In the final stage, the burden shifts back to the plaintiff to show that the employer's stated reason for plaintiff's dismissal was false and but a pretext for discrimination.

Thomas, 183 F.3d at 56 (quoting Mulero-Rodriguez, 98 F.3d at 673).

In cases where termination was part of a larger reduction in labor force, a plaintiff need not show replacement by another with similar skills and qualifications. Plaintiff may satisfy prong (4) of the prima facie case, instead, by "demonstrating either that 'the employer did not treat **age** neutrally or that younger persons were retained in the same position.'" LeBlanc v. Great

American Ins. Co., 6 F.3d 836, 842 (1st Cir. 1993) (quoting Hebert v. Mohawk Rubber Co., 872 F.2d 1104, 1111 (1st Cir. 1989)); Woodman v. Haemonetics Corp., 51 F.3d 1087, 1091 (1st Cir. 1995). The information pertaining to the company wide layoffs will bolster Plaintiff's contention that Bull did not treat age neutrally in conducting the layoffs.

Mr. Beckman has alleged age discrimination through the ADEA as well at M.G.L. Ch. 151B, whether it be based upon disparate treatment or disparate impact. Plaintiff's request for information pertaining to Bull's layoffs with regard to their entire workforce can be used to show discriminatory motive in support of both disparate treatment and disparate impact claims.

A. Company Wide Statistical Information May Show Disparate Treatment of Older Workers by Bull

Discriminatory motive can in some situations be inferred from the mere fact of differences in treatment. McDonnell Douglas Corp. v. Green, 411 U.S. at 335, n. 15 (1973). Statistics as to an employer's general employment policies and practice are admissible and helpful to determine whether an employer's actions conformed to a general pattern of discrimination. Jones v. Lee Way Motor Freight, Inc., 431 F.2d 245 (1970). Systemic disparate treatment can be inferred from an employer's actions as having a policy or practice of discriminating. Statistical evidence that older employees were terminated at a disproportionate rate may provide strong evidence of age discrimination. Mesnick v. General Electric Co., 950 F.2d 816 (1991) citing Olivera v. Nestle Puerto Rico, Inc., 922 F.2d 43, 49 (1st Cir. 1990). Statistical analyses have been held admissible in disparate treatment discrimination cases unless they are so incomplete as to be inadmissible as irrelevant. Currier v. United Techs. Corp., 393 F.3d 246 (1st Cir. 2004). To establish a case based on statistical evidence, the plaintiff compares the relevant portion of the employer's workforce to the relevant labor pool. If the disparity

between the two is great enough, an inference of discriminatory intent arises. As the Supreme Court explained, "such imbalance is often a telltale sign of purposeful discrimination." Teamsters v. United States, 431 U.S. 324, 340 n. 20 (1977). Courts typically infer a discriminatory motive from this difference in treatment. See Int'l Bhd. of Teamsters v. United States, 431 U.S. 324, 361 & n.46, 52 L. Ed. 2d 396, 97 S. Ct. 1843 (1977). In Currier, the statistical analysis was of the employer's entire workforce, not just a particular group of "similarly situated" employees. Id. at 250. In Currier, the First Circuit Court upheld the jury award for age discrimination based on disparate treatment that was proven in part by the statistical evidence regarding the entire workforce. Similarly, in the case at bar, in order to help demonstrate statistically that Bull did not treat age neutrally, plaintiff seeks to show that when the group of terminated employees is compared with the pool of employees from which the terminated employees were drawn, the comparison shows "significant discrepancy in the incidence of protected status." Shenker v. Lockheed Sanders, Inc., 919 F. Supp. 55, 59 (D. Mass. 1996). Plaintiff argues that the relevant pools for statistical purposes are those who were laid off from Bull's entire workforce because the reductions in force were company wide during the time period that he was laid off.

The statistical evidence already provided in the case at bar suggests that older worker at Bull were in fact intentionally targeted for layoffs, not just that older workers were more negatively impacted by the layoffs. According to documents provided by Bull, out of the 138 layoffs in the *manufacturing division* in Lawrence from January 10, 1994 to December 1, 1995, 110 of them were 40 or over, amounting to approximately 79% of the laid off employees. See Attached Exhibit A. In addition, with regard to the layoffs with a notification date of December 16, 1994, forty three (43) out of the fifty (50) within the manufacturing division, were 40 or

older, amounting to 86% of the layoffs at that time. See attached Exhibit B. Also, out of the approximately 881 remaining manufacturing employees after the December 16, 1994 notification, approximately 551 were 40 or older, equaling 67.9% of the remaining manufacturing division employees. See attached Exhibit B. This is a difference of approximately 18% in looking at the pool of those employees who were laid off and those who were not. In addition, Defendant in its defense has submitted an Affidavit from Cecile Wright, indicating that the average age of all U.S. employees was 42.6 on December 31, 1989 and on December 31, 1995 it was 46.3, and that among Massachusetts employees, the average age was 41.7 on December 31, 1989 and 45.2 on December 31, 1995. See attached Exhibit C. Since Defendant has introduced the average age of all U.S. employees and all Massachusetts' employees, Plaintiff should be allowed to obtain the underlying data regarding the ages of the individuals company wide in order to determine whether Defendant's contentions are in fact true. Also, additional statistical evidence as to the company wide layoffs may further support a prima facie case of systemic disparate treatment. In addition, Plaintiff should be allowed access to company wide information as to who was laid off because Plaintiff had previously worked in other Bull offices, he had worked only two years prior to his layoff in the Billerica facility and had also worked in the Brighton facility. According to Mr. Beckman, he was supposed to have only been temporarily placed in the Lawrence facility, but was laid off instead of being allowed to transfer to another facility, as other employees had been. See copy of Mr. Beckman's deposition transcript attached hereto as Exhibit D. Company-wide statistics would be useful in establishing the presence or absence of a general climate of age bias throughout Bull. Therefore, Mr. Beckman's request for additional information as detailed more fully in the Motion to Compel Defendant, Bull HN Information Systems Inc.'s Answers to Interrogatories and

Production of Documents should be allowed.

B. Company Wide Statistical Information May Show a Disparate Impact on Older Workers

The ages of the people who were laid off company wide may also show that Bull's policies in carrying out its reductions in force had a discriminatory impact upon older workers. Under a disparate impact approach, the plaintiff does not need to prove intentional discrimination. Watson v. Fort Worth Bank & Trust, 487 U.S. 977, 987, 101 L. Ed. 2d 827, 108 S. Ct. 2777 (1988). "The necessary premise of the disparate impact approach is that some employment practices, adopted without a deliberately discriminatory motive, may in operation be functionally equivalent to intentional discrimination." Id. In all events, however, a defendant's good faith is not a defense to a disparate impact claim." E.E.O.C. v. Steamship Clerk's Union, 48 F.3d 594, 601 (1st Cir. 1995) *cert. den.*, 516 U.S. 814, 116 S. Ct. 65, 133 L. Ed. 2d 27 (citing Griggs v. Duke Power Co., 401 U.S. 424, 431-32, 91 S. Ct. 849, 28 L. Ed. 2d 158 (1971)). Statistical evidence is a means of showing disparate impact. See Watson v. Fort Worth Bank & Trust. A plaintiff in a disparate impact case must first establish a prima facie case by identifying a specific employment practice and then presenting statistical evidence of a kind and degree sufficient to show that the practice in question caused the plaintiff to suffer adverse employment action because of his or her membership in a protected group. Watson, 487 U.S. at 994. If the plaintiff succeeds in making this prima facie showing, the burden then shifts to the employer to produce evidence demonstrating a legitimate business reason for the challenged practice. Id. at 997-98. n8. If the employer successfully establishes a business justification, the plaintiff may still prevail by demonstrating that a comparably effective alternative practice would produce a significantly smaller adverse impact on the protected class.

Id. at 998. In a discrimination case proceeding under a so-called disparate impact theory, statistical evidence is obviously of central importance, because in such a case the plaintiff may show that a particular job requirement has a differential impact on a defined protected group. Adams v. Ameritech Servs., Inc., 231 F.3d 414 (7th Cir. 2000). Statistical evidence is crucial in disparate impact cases, where plaintiffs need not prove discriminatory intent but must show that specific employment practices "select applicants . . . in a racial pattern significantly different from that of the pool of applicants." Albemarle Paper Co. v. Moody, 422 U.S. 405, 425, 45 L. Ed. 2d 280, 95 S. Ct. 2362 (1975). In these two contexts--where liability depends on a challenge to systemic employment practices--courts require finely tuned statistical evidence, normally demanding a comparison of the employer's relevant workforce with the qualified populations in the relevant labor market. Krodel v. Young, 242 U.S. App. D.C. 11(1984) citing Hazelwood School District v. United States, 433 U.S. 299, 308 n.13, 53 L. Ed. 2d 768, 97 S. Ct. 2736 (1977); Segar, 738 F.2d at 1274-75; Davis v. Califano, 198 U.S. App. D.C. 224, 613 F.2d 957, 963 (D.C. Cir. 1979).

In the case at bar, the specific employment practice was the laying off of older employees. Based on the statistical evidence already provided by Bull regarding the number of employees who were laid off, Plaintiff has a legitimate disparate impact claim for age discrimination. Information pertaining to the ages of all employees laid off company wide will further show that statistically, the layoffs had a disproportionate impact upon older workers throughout Bull. Because Plaintiff's statistical evidence must be completely accurate and therefore should be based upon Bull's entire workforce or at least compared to Bull's entire workforce, at least the workforce at the other Massachusetts facilities in Billerica and Brighton, Plaintiff requests that the Court order Bull to provide company wide data as to all layoffs.

Wherefore, Plaintiff respectfully requests that this Court reconsider the previous order denying Plaintiff's Motion to Compel Defendant, Bull Information Systems Inc.'s Answers to Interrogatories and Production of Documents in order to allow Plaintiff access to company wide information regarding the Bull layoffs. A copy of Plaintiff's Motion for Reconsideration to Compel Defendant, Bull HN Information System, Inc.'s Answers to Interrogatories and Production of Documents is attached hereto as Exhibit E is incorporated herein by reference.

REQUEST FOR HEARING AND ORAL ARGUMENT.

Plaintiff respectfully requests a hearing and oral argument on this matter.

Respectfully submitted,
The Plaintiff,
By his attorneys,

/s/ Nancie L. Edgren
Denise L. Page, Esq.
BBO No. 119415
Nancie L. Edgren, Esq.
BBO No. 648665
BARRON & STADFELD, P.C.
100 Cambridge Street, Suite 1310
Boston, Massachusetts 02114
617.723.9800

Date: April 15, 2005

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEPHEN BECKMAN,
Plaintiff,

v.

BULL HN INFORMATION SYSTEMS INC.,
Defendant

C.A. No.: 03-CV-12567NG

**DECLARATION OF NANCIE L. EDGREN IN SUPPORT OF PLAINTIFF'S MOTION
FOR RECONSIDERATION TO COMPEL DEFENDANT, BULL HN INFORMATION
SYSTEM INC.'S ANSWERS TO INTERROGATORIES AND PRODUCTION OF
DOCUMENTS**

I, Nancie L. Edgren, hereby depose and state the following:

1. I am an associate at Barron and Stadfeld, P.C. and am involved in the firm's representation of the Plaintiff, Stephen Beckman, in the above matter.
2. Attached as Exhibit A are true and accurate copies of documents provided by Bull HN Information Systems Inc. during the course of discovery that purportedly reflect the titles and ages of layoffs of employees who worked in the manufacturing division in the Lawrence plant and whose notification date occurred in 1994 and 1995;
3. Attached as Exhibit B are true and accurate copies of documents provided by Bull HN Information Systems Inc. during the course of discovery that purportedly reflect the Manufacturing Division Layoffs with a notification date of December 16, 1994;
4. Attached as Exhibit C are true and accurate copies of documents provided by Bull HN Information Systems Inc. during the course of discovery that is an Affidavit of Cecile Wright, Vice President for Human Resources;
5. Attached as Exhibit D are true and accurate copies of excerpts from the Deposition of Stephen Beckman held on December 16, 2004;

6. Attached as Exhibit E are true and accurate copies of Plaintiff's Motion to Compel Defendant, Bull HN Information System Inc.'s Answers to Interrogatories and Production of Documents.

Respectfully submitted,
The Plaintiff,
By his attorneys,

/s/ Nancie L. Edgren
Denise L. Page, Esq.
BBO No. 119415
Nancie L. Edgren, Esq.
BBO No. 648665
BARRON & STADFELD, P.C.
100 Cambridge Street, Suite 1310
Boston, Massachusetts 02114
617.723.9800

Date: April 15, 2005

EXHIBIT A

NAME	Age as of		NOTIFICATION		Street1	Street2	City	State	Zip
	Notif	JOB TITLE	DATE						
	41	ACCOUNTANT I	1/10/1994						
	34	ASSEMBLY ASSOC II-N	2/4/1994						
	34	ACCOUNTANT II	2/11/1994						
	39	ASSEMBLY ASSOC II	3/3/1994						
	39	MIS BUS ANALYST III	4/1/1994						
	55	LOCATION DIR LAW FAC	4/4/1994						
	57	NEW PROD & TECH DIR	6/10/1994						
	45	FINANCE ASSOC III	7/29/1994						
	55	MFG MATERIALS I	7/29/1994						
	58	MFG TECH II	7/29/1994						
	35	AREA COORD II	7/29/1994						
	40	MFG MATERIALS II	7/29/1994						
	36	MFG TECH III	7/29/1994						
	49	MFG TECH II	7/29/1994						
	46	ASSEMBLY ASSOC II	7/29/1994						
	50	PROGRAM MANAGER II	7/29/1994						
	49	MFG TECH III	7/29/1994						
	57	ENG TEST IV	7/29/1994						
	55	PROCESS ASSOC I	7/29/1994						
	48	ASSEMBLY ASSOC II	7/29/1994						
	52	AREA COORD II	7/29/1994						
	44	ACCOUNTANT II	7/29/1994						
	56	PROCESS ASSOC I	7/29/1994						
	36	AREA COORD III	7/29/1994						
	40	MFG TECH III	7/29/1994						
	60	DIST ASSOC II	7/29/1994						
	36	MFG TECH III	7/29/1994						
	51	DIST ASSOC II	7/29/1994						
	42	MFG TECH III	7/29/1994						
	46	PROCESS ASSOC I	7/29/1994						
	58	SECRETARY II	7/29/1994						
	46	ASSEMBLY ASSOC II	7/29/1994						
	48	ASSEMBLY ASSOC II	7/29/1994						
	40	ENG PRODUCTION III	7/29/1994						
	42	MFG TECH III	7/29/1994						
	49	DIST ASSOC I	7/29/1994						
	51	ASSEMBLY ASSOC II	7/29/1994						
	30	SECRETARY III	7/29/1994						
	47	MIS BUS ANALYST II	7/29/1994						
	54	DIST ASSOC I	7/29/1994						
	58	ENG QUALITY IV	7/29/1994						
	49	DIST ASSOC II	7/29/1994						
	30	MFG TECH II	7/29/1994						
	52	ASSEMBLY ASSOC II	8/8/1994						
	54	PROGRAM MANAGER III	8/15/1994						
	35	MFG MGR III	8/22/1994						
	55	PROCESS ASSOC I	9/26/1994						
	43	SECURITY OFFICER III	12/16/1994						
	48	ASSEMBLY ASSOC II	12/16/1994						
	57	FIN PLNG ANALYST II	12/16/1994						
	38	MFG TECH III	12/16/1994						
	26	MMP	12/16/1994						
	42	SECURITY OFFICER I	12/16/1994						
	57	FORECAST/SCHED II	12/16/1994						
	46	ASSEMBLY ASSOC II	12/16/1994						
	57	MFG TECH III	12/16/1994						
	55	ASSEMBLY ASSOC II	12/16/1994						
	55	PROCESS ASSOC I	12/16/1994						
	50	PROCESS ASSOC II	12/16/1994						
	46	MFG TECH II	12/16/1994						
	28	ACCOUNTANT I	12/16/1994						
	46	ASSEMBLY ASSOC III	12/16/1994						
	48	MFG TECH III	12/16/1994						
	28	PROGRAM MANAGER II	12/16/1994						
	58	MFG MATERIALS III	12/16/1994						
	48	MFG TECH III	12/16/1994						
	56	ASSEMBLY ASSOC II	12/16/1994						
	55	MFG TECH III	12/16/1994						
	44	MFG TECH II	12/16/1994						
	56	MFG MATERIALS II	12/16/1994						
	59	ASSEMBLY ASSOC II	12/16/1994						

REDACTED

REDACTED

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NAME	Age as of Notif	JOB TITLE	NOTIFICATION DATE	Street1	Street2	City	State	Zip
	48	SECRETARY III	12/16/1994					
	51	PROGRAM MANAGER II	12/16/1994					
	45	FORECAST/SCHED III	12/16/1994					
	56	MFG MATERIALS II	12/16/1994					
	29	SECRETARY II	12/16/1994					
	34	MFG TECH II	12/16/1994					
	23	MMP	12/16/1994					
	51	SECURITY OFFICER I	12/16/1994					
	49	SALES DIRECTOR - LMO	12/16/1994					
	50	DIST ASSOC II	12/16/1994					
	51	ASSEMBLY ASSOC I	12/16/1994					
	57	MFG TECH III	12/16/1994					
	52	ASSEMBLY ASSOC II	12/16/1994					
	54	FIELD ENGINEER II	1/9/1995					
	52	MFG MGR III	4/3/1995					

REDACTED

REDACTED

NAME	Age as of		NOTIFICATION				
	Notif	JOB TITLE	DATE	Street1	Street2	City	State Zip
	35	AREA COORD III	8/14/1995				
	38	MFG TECH II	9/11/1995				
	57	PROCESS ASSOC I	9/11/1995				
	54	ASSEMBLY ASSOC II	9/11/1995				
	58	ASSEMBLY ASSOC III	9/11/1995				
	57	ASSEMBLY ASSOC II	9/11/1995				
	35	ASSEMBLY ASSOC III	9/11/1995				
	58	ASSEMBLY ASSOC II	9/11/1995				
	60	ASSEMBLY ASSOC II	9/11/1995				
	38	MFG TECH III	9/11/1995				
	47	ASSEMBLY ASSOC III	9/11/1995				
	48	ASSEMBLY ASSOC II	9/11/1995				
	53	PROCESS ASSOC II	9/11/1995				
	59	MFG MATERIALS II	9/15/1995				
	53	MFG MGR II	10/9/1995				
	57	MFG TECH II	11/1/1995				
	46	MFG TECH III	11/6/1995				
	48	ASSEMBLY ASSOC II	11/6/1995				
	56	ASSEMBLY ASSOC II	11/6/1995				
	47	MAINTENANCE TECH I	11/6/1995				
	54	ASSEMBLY ASSOC II	11/6/1995				
	47	MFG TECH III	11/6/1995				
	51	ASSEMBLY ASSOC II	11/6/1995				
	47	ASSEMBLY ASSOC III	11/6/1995				
	51	ASSEMBLY ASSOC III	12/1/1995				
	52	ASSEMBLY ASSOC II	12/1/1995				
	46	FORECAST/SCHED II	12/1/1995				
	56	MAINT 7 CALIB MECHANIC	12/1/1995				
	46	MFG TECH III	12/1/1995				
	54	ASSEMBLY ASSOC II	12/1/1995				
	48	MFG TECH III	12/1/1995				
	50	ASSEMBLY ASSOC III	12/1/1995				
	48	ASSEMBLY ASSOC II	12/1/1995				
	51	SECURITY OFFICER II	12/1/1995				
	44	AREA COORD II	12/1/1995				
	51	MFG TECH III	12/1/1995				
	47	ASSEMBLY ASSOC III	12/1/1995				
	36	MFG TECH III	12/1/1995				
	50	ASSEMBLY ASSOC III	12/1/1995				
	28	SECURITY OFFICER I	12/1/1995				
	36	MFG MGR II	12/1/1995				
	39	SECRETARY III	12/1/1995				
	61	MECHANICAL ASSEMBLER	12/1/1995				
	49	DIST ASSOC II	12/1/1995				
	48	SECURITY OFFICER I	12/1/1995				
	36	SECURITY OFFICER II	12/1/1995				
	48	MFG MATERIALS III	12/1/1995				
	50	AREA COORD III	12/1/1995				
	37	Area Coordinator II	12/1/1995				
	46	MFG TECH III	12/1/1995				
	51	PROCESS ASSOC II	12/1/1995				
	50	PROCESS ASSOC I	12/1/1995				

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EXHIBIT B

Description of Eligibility Factors, Decisional Unit and Corresponding Demographic Data

This workforce reduction was necessary in order for Bull to reduce salary, general and administrative (SG&A) costs. All employees in the decisional unit(s) affected by this workforce reduction are eligible for (i.e., may be subject to) layoff. Severance pay eligibility is governed by Bull's Severance Pay Plan (the "Plan") and its corresponding Summary Plan Description (SPD).

1. The following is a description of the class, unit or group of employees covered by the Plan which Bull has offered Employee:

Organization Name:	Manufacturing
Decisional Unit Name:	Manufacturing
Notification Date:	December 16, 1994

2. The following employees, in this decisional unit, are affected by this workforce reduction (although some may not be eligible for participation in the Plan):

<u>Title</u>	<u>Age</u>
FP & A II	57
MFG MATERIALS III	70
MFG MATERIALS II	51
ASSEMBLY ASSOCIATE II	59
PROCESS ASSOC I	55
ASSEMBLY ASSOC I	51
MFG TECH III	57
AREA COORD II	60
ASSEMBLY ASSOCIATE II	56
ASSEMBLY ASSOC II	55
ASSEMBLY ASSOC II	46
DIST ASSOC II	50
MFG TECH III	57
FORECAST/SCHED III	47
PROCESS ASSOC II	50
COMPUTER ENG II	52
MFG TECH II	49

BULL/SB 0846

2. The following employees, in this decisional unit, are affected by this workforce reduction (although some may not be eligible for participation in the Plan): (Continued)

<u>Title</u>	<u>Age</u>
ASSEMBLY ASSOC II	48
ASSEMBLY ASSOC III	46
MFG MGR III	58
MFG MATERIALS I	47
FORECAST/SCHED III	45
SECURITY OFFICER III	43
FINANCE MANAGER II	50
MFG TECH III	48
MFG TECH III	48
MFG MATERIALS II	56
PROGRAM MANAGER II	51
MFG TECH III	38
MFG TECH II	46
SECRETARY III	47
MFG MATERIALS II	56
FORECAST/SCHEDULER II	57
MFG MANAGER III	55
MFG TECH II	44
ASSEMBLY ASSOC II	52
ENG ENVIRON III	49
ACCOUNTANT I	29
SECRETARY III	48
PROGRAM MANAGER II	28
SECURITY OFFICER I	42
MFG TECH III	55
PROGRAM MANAGER II	25
SECURITY OFFICER I	51
MFG MATERIALS III	58
MFG TECH III	34
ENG QUALITY II	32
QUALITY MGMT CONSLT	56
TECH SERVICES II	55
SECRETARY II	29

BULL/SB 0847

13. The following employees, in this decisional unit, are not affected by this workforce reduction:

<u>Title</u>	<u>Age</u>
FIN PLNG ANALYST III	55
MFG MGR I	55
PROCESS ASSOC II	54
PROCUREMENT SRVC DIR	60
FORECAST/SCHED III	53
PROCESS ASSOC I	61
PROCESS ASSOC II	63
MFG MGR III	53
ENG QUALITY II	58
ENG TEST IV	55
ENG QUALITY III	59
MFG MGR III	59
DRIVER I	54
PROCESS ASSOC II	55
AREA COORD II	52
MFG TECH II	52
ASSEMBLY ASSOC II	51
ASSEMBLY ASSOC II	55
PROCESS LEADER	52
PROCESS ASSOC II	52
ASSEMBLY ASSOC II	51
DIST ASSOC II	53
MFG TECH II	50
ASSEMBLY ASSOC II	46
ASSEMBLY ASSOC II	54
ASSEMBLY ASSOC II	53
PROCESS ASSOC II-N	51
MFG TECH II	60
MFG MATERIALS II	53
ASSEMBLY ASSOC III	54
ACCOUNTANT IV	52
UNKNOWN JOB CODE	51
ENG TEST III	53
UNCLASSIFIED EXEMPT	53
FIN PLNG ANALYST II	57
NEW PROD & TECH DIR	58
MFG MGR I	51
ASSEMBLY ASSOC II	53
PROGRAM MANAGER III	54
ASSEMBLY ASSOC II	55
MFG TECH III	53
PROCESS ASSOC II	56

BULL/SB 0848

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
MFG MGR II	52
PROCESS ASSOC I	53
DIST ASSOC II	50
PROGRAM MANAGER III	51
MFG MGR I	49
PROCESS ASSOC II	61
DIST ASSOC II	54
MFG MGR III	50
ENG TEST IV	55
DRIVER I	58
PROCESS ASSOC II	53
MFG TECH II	50
MFG MATERIALS III	49
PROCESS ASSOC III	51
PROCESS ASSOC III	61
MFG MGR III	57
LOCATION DIR LAW FAC	55
ENG TEST II	50
MFG MATERIALS II	46
ASSEMBLY ASSOC II	44
ASSEMBLY ASSOC I	60
ASSEMBLY ASSOC II-N	53
PROCESS ASSOC I	48
DIST ASSOC I	56
PROCESS ASSOC I	44
PROCESS ASSOC II	52
PROCESS ASSOC I	49
ASSEMBLY ASSOC I	56
PROCESS ASSOC I	56
ASSEMBLY ASSOC I	48
DIST ASSOC I	45
PROCESS ASSOC I	55
ASSEMBLY ASSOC II	43
MFG MGR I	50
PROCESS ASSOC II	53
ENG TEST III	49
ACCOUNTANT III	57
ASSEMBLY ASSOC III	49
ASSEMBLY ASSOC III	52
ASSEMBLY ASSOC II	50
MFG MATERIALS II	52
AREA COORD III	53

BULL/SB 0849

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
ASSEMBLY ASSOC II	53
MFG TECH III	51
MFG TECH III	52
ASSEMBLY ASSOC II	49
ENG PRODUCTION II	50
ASSEMBLY ASSOC II	47
ENG QUALITY III	59
MFG TECH II	52
AREA COORD II	48
MFG TECH II	48
MFG TECH II	54
ASSEMBLY ASSOC III	46
ASSEMBLY ASSOC III	46
PROCESS ASSOC II	50
ASSEMBLY ASSOC II	47
AREA COORD III	48
ASSEMBLY ASSOC II	52
ASSEMBLY ASSOC II	50
ASSEMBLY ASSOC II	50
ASSEMBLY ASSOC II	55
ASSEMBLY ASSOC II	49
ASSEMBLY ASSOC II	57
PROCESS ASSOC I	52
MFG MATERIALS III	47
MFG TECH II	51
ENG QUALITY III	50
ASSEMBLY ASSOC II	50
PROCESS ASSOC I	56
ENG TEST III	47
MFG TECH III	39
SECRETARY III	51
FINANCE MANAGER IV	52
ACCOUNTANT II	47
FINANCE ASSOC II	46
FINANCE MANAGER IV	34
PROCESS ASSOC II	50
MFG TECH II	51
ACCOUNTANT II	49
DIST ASSOC II	49
COMPUTER ENG II	46
ENG TEST IV	54
MFG MGR II	47

BULL/SB 0850

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC II	49
PROCESS ASSOC I	52
PROCESS ASSOC II	47
ENG PRODUCTION IV	51
PROCESS ASSOC II-N	46
PROCESS ASSOC II	52
MFG TECH II	51
SECRETARY III	47
MFG ADMIN DIRECTOR	48
PROCESS ASSOC I	58
PROCESS ASSOC II	54
PROCESS ASSOC III	46
MFG MGR I	56
MFG TECH II	52
MFG MGR II	52
PROCESS ASSOC I	56
PROCESS ASSOC I	64
MFG TECH III	46
PROCESS ASSOC II-N	57
PROCESS ASSOC I	50
ENG PRODUCTION II	48
ENG TEST IV	50
PROCESS ASSOC III	50
PROCESS ASSOC II-N	46
PROCESS ASSOC II	45
PROCESS ASSOC I	55
PROCESS ASSOC II-N	53
PROCESS ASSOC II	45
PROCESS ASSOC II	48
MFG MGR II	47
MFG TECH II	49
ENG PRODUCTION IV	62
PROCESS ASSOC I	53
COMPUTER ENG II	46
PROCESS ASSOC I	54
SECRETARY II	43
PROCESS ASSOC I	44
MFG MGR III	50
DIST ASSOC II	48
PROCESS ASSOC II	64
DIST ASSOC I	45
PROCESS ASSOC I	53

BULL/SB 0851

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
ENG TEST III	45
DIST ASSOC I	60
PROCESS ASSOC I	42
PROCESS ASSOC I	45
ASSEMBLY ASSOC I	42
FORECAST/SCHED II	51
PROCESS ASSOC II	50
ASSEMBLY ASSOC II	40
DIST ASSOC II	47
MFG MATERIALS II	44
PROCESS ASSOC II	56
PROCESS ASSOC I	56
DIST ASSOC II	65
PROCESS ASSOC I	58
ASSEMBLY ASSOC II	47
ASSEMBLY ASSOC III	52
ASSEMBLY ASSOC II	52
ASSEMBLY ASSOC III	47
MFG TECH III	50
MFG TECH II	51
MFG TECH III	47
ENG INDUSTRIAL II	61
ASSEMBLY ASSOC II	46
DIST ASSOC II	48
ASSEMBLY ASSOC III	48
ASSEMBLY ASSOC III	49
DIST ASSOC II	52
ASSEMBLY ASSOC III	45
MFG MGR III	52
ASSEMBLY ASSOC II	60
ASSEMBLY ASSOC III	47
ASSEMBLY ASSOC II	53
ASSEMBLY ASSOC II	51
MFG TECH II	49
AREA COORD II	51
ASSEMBLY ASSOC III	50
ASSEMBLY ASSOC III	59
PROCESS ASSOC I	61
ASSEMBLY ASSOC II	57
MFG TECH III	45
ASSEMBLY ASSOC II	48
MFG TECH III	49

BULL/SB 0852

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
ENG PACKAGING III	54
MFG TECH III	51
FORECAST/SCHED III	44
AREA COORD II	43
ASSEMBLY ASSOC I	52
PROCESS ASSOC I	48
MFG TECH II	57
ASSEMBLY ASSOC II	45
ASSEMBLY ASSOC I	46
ENG TEST III	50
UNKNOWN JOB CODE	57
ENG TEST III	51
ACCOUNTANT I	42
FINANCE MANAGER I	48
MIS BUS ANALYST II	40
ASSEMBLY ASSOC I	43
MFG MATERIALS III	44
MFG TECH III	48
DIST ASSOC I	52
PROCESS ASSOC I	55
MFG TECH II	47
ASSEMBLY ASSOC I	55
PROCESS ASSOC I	44
MFG TECH III	47
DIST ASSOC I	59
PROCESS ASSOC I	41
PROCESS ASSOC I	60
ASSEMBLY ASSOC I	40
MFG TECH II	41
PROCESS ASSOC I	53
MFG MATERIALS II	47
ASSEMBLY ASSOC II	40
PROCESS ASSOC II	56
MFG MGR II	44
MFG MGR III	49
PROCESS ASSOC I	44
ENG TEST III	49
PROCESS ASSOC II	53
PROCESS ASSOC I	55
ASSEMBLY ASSOC I	62
MFG MGR II	49
ASSEMBLY ASSOC I	49

BULL/SB 0853

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued).

<u>Title</u>	<u>Age</u>
SECRETARY III	40
DIST ASSOC I	40
BUS PLNG ADVISOR	54
MFG MATERIALS II	58
PROCESS ASSOC I	47
PROCESS ASSOC II	53
DIST ASSOC II	37
PROCESS ASSOC I	43
MFG TECH II	37
MFG TECH II	50
MFG MATERIALS III	46
PROCESS ASSOC II	46
DIST ASSOC II	53
MFG TECH II	40
PROCESS ASSOC I	58
ENG QUALITY III	44
ENG TECHNOLOGY III	42
MFG TECH II	56
MFG TECH II	51
DIST ASSOC II	43
ENG TEST II	47
DIST ASSOC I	41
PROCESS ASSOC I	39
PROCESS ASSOC II	48
ENG PRODUCTION IV	46
MFG MATERIALS II	45
PROCESS ASSOC III-N	39
PROCESS ASSOC II	37
PROCESS ASSOC II	43
PROCESS ASSOC I	42
PROCESS ASSOC III	41
PROCESS ASSOC I	47
MFG TECH III	41
ENG TEST III	47
PROCESS ASSOC I	64
MFG TECH III	52
MFG TECH II	43
ASSEMBLY ASSOC II	43
PROCESS ASSOC I	51
DIST ASSOC I	46
MFG MATERIALS III	40
ASSEMBLY ASSOC II-N	35

BULL/SB 0854

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
MFG TECH II	42
ENG CHEMICAL III	56
ENG PRODUCTION IV	52
PROCESS ASSOC I	57
PROCESS ASSOC II	50
MFG MATERIALS II	37
MFG MGR II	54
SECRETARY III	38
MFG MGR III	35
DIST ASSOC I	51
SECRETARY II	55
PROCESS ASSOC I	35
PROCESS ASSOC I	56
PROCESS ASSOC I	55
ASSEMBLY ASSOC III	57
MFG MGR II	38
MFG MATERIALS III	39
PROCESS ASSOC II-N	44
PROCESS ASSOC I	65
PROCESS ASSOC I	61
PROCESS ASSOC II	34
MFG TECH I	55
PROCESS ASSOC I	46
PROCESS ASSOC I	35
PROCESS ASSOC I	35
PROCESS ASSOC II	54
ACCOUNTANT II	45
PROGRAM MANAGER III	39
MFG MATERIALS III	48
ENG PRODUCTION III	52
MFG TECH II	37
DRIVER II	44
DRIVER II	42
DIRECTOR CORP MATERIALS	43
PROCESS ASSOC I	50
PROCESS ASSOC I	38
PROCESS ASSOC II	50
PROCESS ASSOC I	49
AREA COORD II	36
PROCESS ASSOC I	53
PROCESS ASSOC I	42
ENG INDUSTRIAL III	37

BULL/SB 0855

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
MFG TECH III	45
PROCESS ASSOC I	45
PROCESS ASSOC II	50
PROCESS ASSOC II	37
PROCESS ASSOC I	57
MFG TECH II	45
PROCESS ASSOC II	51
PROCESS ASSOC I	53
MFG TECH III	37
PROCESS ASSOC II	44
PROCESS ASSOC II	53
PROCESS ASSOC I	40
PROCESS ASSOC II	40
PROCESS ASSOC I	40
PROCESS ASSOC I	55
PROCESS ASSOC II	44
PROCESS ASSOC I	36
PROCESS ASSOC II	55
PROCESS ASSOC II	41
MFG TECH I	48
MFG TECH II	48
PROCESS ASSOC II	64
DIST ASSOC II	48
PROCESS ASSOC I	60
PROCESS ASSOC I	43
PROCESS ASSOC I	40
PROCESS ASSOC I	57
PROCESS ASSOC II	50
MFG TRAINING ADMIN	43
PROCESS ASSOC I	36
MFG TECH II	41
MFG MATERIALS I	35
PROCESS ASSOC II-N	57
MFG TECH III	39
PROCESS ASSOC II	41
PROCESS ASSOC I	45
MFG MGR III	44
MFG TECH III	45
ENG TEST II	36
PROCESS ASSOC III-N	40
PROCESS ASSOC I	62
PROCESS ASSOC I	46

BULL/SB 0856

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
MFG MATERIALS III	38
PROCESS ASSOC I	54
ENVIRON OPERATOR I	39
PROCESS ASSOC I	61
MFG TECH II	37
ENG INDUSTRIAL IV	36
MFG TECH II	37
ENG TEST II	41
MFG MATERIALS III	57
MFG TECH II	50
PROCESS ASSOC II	39
PROCESS ASSOC II	55
MFG TECH II	35
PROCESS ASSOC I	37
PROCESS ASSOC I	57
PROCESS ASSOC I	54
PROCESS ASSOC II-N	39
PROCESS ASSOC I	47
PROCESS ASSOC I	48
MFG MGR I	35
PROCESS ASSOC II	37
MFG TECH II	40
PROCESS ASSOC I	42
DIST ASSOC II	35
ACCOUNTANT III	34
PROCESS ASSOC II-N	64
MFG TECH III	37
PROCESS ASSOC III-N	36
MFG TECH III	41
ASSEMBLY ASSOC II-N	38
PROCESS ASSOC II-N	67
PROCESS ASSOC I	52
AREA COORD I	38
PROCESS ASSOC II-N	35
MFG TECH II	41
MFG TECH III	41
MFG TECH II	36
MFG TECH III	47
PROCESS ASSOC II	41
PROCESS ASSOC I	48
PROCESS ASSOC II	44
PROCESS ASSOC II-N	47

BULL/SB 0857

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
ENG TEST II	35
MFG TECH III	37
FORECAST/SCHED II	46
ENG INDUSTRIAL II	35
PROCESS ASSOC I	33
PROCESS ASSOC I	39
MFG TECH III	43
PROCESS ASSOC II	35
MFG TECH I	52
MFG TECH I	39
PROCESS ASSOC II	35
PROCESS ASSOC I	51
PROCESS ASSOC III-N	37
MFG MATERIALS II	36
AREA COORD II	38
PROCESS ASSOC I	43
PROCESS ASSOC II	36
PROCESS ASSOC I	37
MFG MATERIALS II	46
DIST ASSOC II	49
MFG MATERIALS II	43
ENG CHEMICAL II	55
PROCESS ASSOC II	51
PROCESS ASSOC I	56
PROCESS ASSOC I-N	56
PROCESS ASSOC I	36
PROCESS ASSOC I	60
MFG MGR II	33
PROCESS ASSOC II	38
PROCESS ASSOC I	39
PROCESS ASSOC I	44
PROCESS ASSOC II	35
MFG TECH II	40
PROCESS ASSOC II	42
PROCESS ASSOC II	40
PROCESS ASSOC II-N	39
MFG TECH II	38
PROCESS ASSOC II-N	39
PROCESS ASSOC II	34
PROCESS ASSOC I	52
PROCESS ASSOC I	39
PROCESS ASSOC I	35

BULL/SB 0858

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
ENG QUALITY IV	41
PROCESS ASSOC I	39
PROCESS ASSOC II-N	44
PROCESS ASSOC I	45
PROCESS ASSOC I	52
PROCESS ASSOC II	38
PROCESS ASSOC I	33
PROCESS ASSOC I	46
PROCESS ASSOC I	61
PROCESS ASSOC I	38
MFG TECH II	44
PROCESS ASSOC I	55
PROCESS ASSOC I	58
PROCESS ASSOC II-N	34
MFG MATERIALS II	41
ENG PRODUCTION III	38
MFG TECH III	34
PROCESS ASSOC I	54
PROCESS ASSOC II	55
ENG TEST II	37
PROCESS ASSOC I	43
PROCESS ASSOC I	44
MFG TECH III	52
MFG TECH III	50
MFG TECH I	45
PROCESS ASSOC II-N	35
MFG TECH I	46
PROCESS ASSOC I	59
PROCESS ASSOC I	57
PROCESS ASSOC I	36
MFG TECH III	42
PROCESS ASSOC I	46
MFG TECH III	35
PROCESS ASSOC I	53
MFG TECH I	35
MFG TECH II	42
PROCESS ASSOC I	47
MFG MATERIALS II	37
PROCESS ASSOC I	42
MFG MATERIALS III	38
MFG MGR II	39
MFG TECH III	37

BULL/SB 0859

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC I	41
MFG TECH II	38
MFG TECH II	63
PROCESS ASSOC III	42
MFG TECH II	34
MFG TECH II	48
PROCESS ASSOC I	60
ENG TECHNOLOGY IV	60
PROCESS ASSOC II	48
PROGRAM MANAGER II	35
MFG TECH III	45
AREA COORD III	34
ASSEMBLY ASSOC III	35
PROCESS ASSOC I	43
MFG TECH III	47
MFG TECH II	57
MFG TECH I	42
PROCESS ASSOC I	37
PROCESS ASSOC I	40
PROCESS ASSOC II	38
MFG TECH I	41
PROCESS ASSOC I	55
MFG TECH I	38
MFG TECH II	41
PROCESS ASSOC II	39
PROCESS ASSOC I	54
MFG TECH II	34
MFG TECH II	34
MFG TECH II	38
MFG TECH II	35
MFG TECH II	36
MIS BUS ANALYST III	40
ENG INDUSTRIAL IV	42
MFG TECH II	42
ACCOUNTANT II	35
ENG TECHNOLOGY IV	63
HR DIR MANUFACTURING	46
ACCOUNTANT II	34
PROCESS ASSOC I	40
PROCESS ASSOC I	53
PROCESS ASSOC II	63
SECRETARY II	29

BULL/SB 0860

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC I	33
PROCESS ASSOC I	62
UNKNOWN JOB CODE	39
ENG QUALITY II	32
MFG TECH II	34
PROCESS ASSOC III-N	34
PROCESS ASSOC II	49
PROCESS ASSOC I	62
ACCOUNTANT II	61
MFG MATERIALS III	51
ENG TECHNOLOGY IV	60
PROCESS ASSOC I	57
ENG PRODUCTION III	58
ENG TEST III	51
AREA COORD III	49
MFG TECH III	54
MFG MATERIALS II	48
FINANCE MANAGER IV	56
ENG PRODUCTION IV	49
FORECAST/SCHED II	54
MFG TECH III	52
ENG TEST III	55
MFG TECH III	54
ENG TEST II	48
ACCOUNTANT II	55
PROCESS ASSOC II	49
MFG TECH II	46
PROCESS ASSOC II	52
ENG TECHNOLOGY III	54
MFG TECH III	35
MFG TECH III	41
MFG TECH III	35
SECRETARY IV	55
MFG TECH II	56
MFG TECH II	63
MFG TECH II	58
PROCESS ASSOC I	46
PROCESS ASSOC I	30
MIS BUS ANALYST III	39
ACCOUNTANT I	40
MFG MGR II	48
PROCESS ASSOC II-N	38

BULL/SB 0861

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC II	48
PROCESS ASSOC II	54
MFG TECH III	31
PROCESS ASSOC II	60
MFG MATERIALS III	50
MFG TECH III	30
MFG TECH II	36
ENG PRODUCTION II	38
MFG TECH II	26
MFG MGR II	30
MFG TECH II	25
ENG PRODUCTION III	29
MFG MGR II	31
FIN PLNG ANALYST III	32
MFG TECH II	30
ENG QUALITY III	29
PROCESS ASSOC II-N	36
MFG TECH I	39
PROCESS ASSOC I	27
PROCESS ASSOC I	40
ENG PRODUCTION II	32
MFG TECH III	45
PROCESS ASSOC I	60
PROCESS ASSOC I	38
PROCESS ASSOC II	26
PROCESS ASSOC I	42
PROCESS ASSOC I	40
MFG TECH I	32
PROCESS ASSOC II	44
MFG TECH II	47
MFG TECH II	33
ENG PRODUCTION II	31
MFG TECH II	42
MFG TECH II	33
MFG TECH I	40
SECRETARY III	38
PROCESS ASSOC I	49
FINANCE ASSOC III	46
ENG TEST III	50
PROCESS ASSOC II-N	30
PROCESS ASSOC I	35
ENG PRODUCTION II	61

BULL/SB 0862

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
MFG TECH II	29
MFG TECH I	40
MFG TECH II	45
MFG TECH II	35
MFG TECH II	35
ACCOUNTANT II	34
MFG MGR II	33
ENG QUALITY II	34
ENG TECHNOLOGY III	28
MFG MGR I	27
MFG MATERIALS III	39
MFG TECH II	31
MFG TECH II	31
PROCESS ASSOC II-N	53
PROCESS ASSOC II-N	34
PROCESS ASSOC I	56
PROCESS ASSOC I	26
PROCESS ASSOC I	40
PROCESS ASSOC I	46
PROCESS ASSOC I	35
PROCESS ASSOC I	53
PROCESS ASSOC II	28
PROCESS ASSOC II	40
PROCESS ASSOC I	40
PROCESS ASSOC III-N	31
PROCESS ASSOC I	37
PROCESS ASSOC II-N	55
PROCESS ASSOC I	38
PROCESS ASSOC II-N	40
PROCESS ASSOC II	35
PROCESS ASSOC I	54
PROCESS ASSOC I	36
PROCESS ASSOC I	41
PROCESS ASSOC II	31
PROCESS ASSOC I	25
PROCESS ASSOC I	28
PROCESS ASSOC II	26
PROCESS ASSOC I	23
PROCESS ASSOC I	30
PROCESS ASSOC I	56
PROCESS ASSOC II	34
PROCESS ASSOC I	39

BULL/SB 0863

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC I	30
PROCESS ASSOC I	46
PROCESS ASSOC I	31
PROCESS ASSOC I	22
PROCESS ASSOC II	38
PROCESS ASSOC III-N	42
PROCESS ASSOC III-N	36
ENG PRODUCTION II	29
PROCESS ASSOC II	28
PROCESS ASSOC II-N	36
PROCESS ASSOC II	23
SECRETARY II	49
MFG MATERIALS II	41
ENVIRON OPERATOR II	28
PROGRAM MANAGER II	32
SECRETARY III	34
PROCESS ASSOC II	26
PROCESS ASSOC II	28
ENG ENVIRON III	37
ENG PRODUCTION II	37
ENG TECHNOLOGY II	36
PROCESS ASSOC I	23
PROCESS ASSOC III	31
PROCESS ASSOC II-N	38
PROCESS ASSOC III	36
MFG TECH II	42
ENVIRON OPERATOR II	44
PROCESS ASSOC II-N	34
PROCESS ASSOC II	57
PROGRAM MANAGER II	32
MFG MGR I	27
FORECAST/SCHED III	53
MFG TECH III	45
PROCESS ASSOC I	52
PROCESS ASSOC I	54
SECRETARY III	52
PROCESS ASSOC II-N	41
PROCESS ASSOC II-N	34
ENG PRODUCTION II	29
PROCESS ASSOC III-N	30
PROCESS ASSOC I	23
MFG MGR II	51

BULL/SB 0864

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC I	48
PROCESS ASSOC I	33
PROCESS ASSOC II-N	28
PROCESS ASSOC II-N	35
PROCESS ASSOC II	37
PROCESS ASSOC II	48
PROCESS ASSOC II-N	39
PROCESS ASSOC II	36
PROCESS ASSOC II-N	30
PROCESS ASSOC I	32
PROCESS ASSOC I	30
PROCESS ASSOC I	41
PROCESS ASSOC I	47
PROCESS ASSOC II-N	47
PROCESS ASSOC I	43
PROCESS ASSOC I	47
MFG TECH II	31
MFG TECH II	39
PROCESS ASSOC II-N	39
PROCESS ASSOC I	28
PROCESS ASSOC I	36
PROCESS ASSOC I	46
PROCESS ASSOC I	26
PROCESS ASSOC I	44
PROCESS ASSOC I	38
PROCESS ASSOC II-N	26
PROCESS ASSOC II-N	31
PROCESS ASSOC III-N	32
ENG PRODUCTION II	34
ENG PRODUCTION II	24
PROCESS ASSOC II-N	25
PROCESS ASSOC II-N	42
ENG PRODUCTION II	28
MFG MGR I	40
PROCESS ASSOC I	42
PROCESS ASSOC I	45
PROCESS ASSOC I	24
PROCESS ASSOC I	48
PROCESS ASSOC I	34
MFG TECH II	51
PROCESS ASSOC I	43
PROCESS ASSOC I	36

BULL/SB 0865

113. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC II	33
PROCESS ASSOC I	28
PROCESS ASSOC I	44
PROCESS ASSOC II-N	39
PROCESS ASSOC I	47
PROCESS ASSOC I	36
PROCESS ASSOC II-N	27
MFG TECH II	29
MFG TECH II	27
PROCESS ASSOC I-N	26
PROCESS ASSOC I-N	27
MFG TECH II	44
MFG SYSTEMS DIRECTOR	42
PROCESS ASSOC II	30
PROCESS ASSOC I-N	26
MMP	42
PROCESS ASSOC I-N	43
MFG TECH II	31
MFG TECH II	30
PROCESS ASSOC I-N	43
PROCESS ASSOC I-N	32
PROCESS ASSOC I-N	37
PROCESS ASSOC I-N	37
PROCESS ASSOC I-N	28
PROCESS ASSOC I-N	32
PROCESS ASSOC I-N	41
PROCESS ASSOC I-N	38
PROCESS ASSOC II	38
PROCESS ASSOC I-N	36
PROCESS ASSOC I-N	35
PROCESS ASSOC I-N	44
PROCESS ASSOC I-N	29
ENG TECHNOLOGY III	51
MFG MATERIALS II	32
SECRETARY II	28
ENG PRODUCTION II	26
MMP	24
ENVIRON OPERATOR II	33
MFG MGR II	35
MFG TECH II	30
PROCESS ASSOC II-N	26
ENG ENVIRON IV	32

BULL/SB 0866

3. The following employees, in this decisional unit, are not affected by this workforce reduction: (Continued)

<u>Title</u>	<u>Age</u>
PROCESS ASSOC II-N	29
MMP	26
DIRECTOR BRIGHTON FACIL	54
ENVIRON OPERATOR II	41
MMP	23
TEMPORARY EMP-EXEMPT	43
MFG TECH II	32
ENG PRODUCTION IV	36
MFG MGR I	42
MFG MGR I	39
SALES DIRECTOR - LMO	49
PROCESS ASSOC III	43
MFG MGR II	41

BULL/SB 0867

EXHIBIT C

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

STEPHEN BECKMAN

DOCKET NO. 03BEM01662

V.

BULL HN INFORMATION SYSTEMS INC.

AFFIDAVIT OF CECILE WRIGHT

Now comes the Affiant and swears to the truth of the following:

1. I am currently the Vice President for Human Resources for Bull HN Information Systems Inc. ("Bull HN") and have held that position since May 1996. From 1992 until I became Vice President for Human Resources, I held positions of Compensation Manager and Manager of Compensation and Human Resources Information Systems. Throughout my various positions, I have been aware of, and involved with, the layoffs that have occurred at Bull HN.

2. Due to various economic pressures throughout the 1990s, Bull HN was forced to undertake drastic cost-cutting measures. As part of these cost-cutting measures, Bull HN laid off a tremendous number of people. On December 31, 1989, 8,902 people were employed by Bull HN in the U.S. This number decreased to 2,013 by December 31, 1995. In Massachusetts alone, 4,025 people were employed by Bull HN on December 31, 1989. The number of Massachusetts employees decreased to 1,037 by December 31, 1995.

3. Despite the tremendous number of layoffs, the average age of Bull HN's employees continued to increase. On December 31, 1989, the average age of all U.S. employees was 42.6. On December 31, 1995, the average age was 46.3. Among Massachusetts employees, the average age was 41.7 on December 31, 1989 and 45.2 on December 31, 1995.

4. During the times it implemented reductions in force, Bull HN had in place and followed detailed procedures to ensure that all layoffs were taken for legitimate, nondiscriminatory reasons. Whenever a manager needed to select employees for layoff, he or she followed Bull HN's Work Force Reduction Policy. This policy required managers to review the goals of his or her department, determine what employees had the skills necessary to meet the goals, and select for layoff those individuals whose skills did not match the needs of the department. If the individual selected was a member of a protected class, a Special Consideration Review was undertaken. During the Special Consideration Review, the decision to select the particular employee was reviewed by management, Human Resources, the Equal Employment Opportunity Manager, and Legal Counsel to ensure that the reasons for the selection were business related and nondiscriminatory.

5. In 1994, the year that Stephen Beckman was laid off, the Finance Department of the Manufacturing Division laid off twelve employees. The twelve employees selected for layoff were a fair representation of the department workforce. Although 75% of the laid off employees were over the age of forty and the average age of those employees was forty-four, 73% of the

employees retained by the department were over the age of forty and the average age of the retained employees was forty-six.

6. In connection with preparing for this Position Statement, I reviewed Mr. Beckman's personnel file archived at Bull HN.

7. As set forth in his employment records, Mr. Beckman was originally hired for the position of Accountant effective May 16, 1966. Over the next twenty-eight years, he held various finance positions. As of December, 1994, Mr. Beckman was employed as a Financial Planning Analyst II in the Finance Department of Bull's Manufacturing Division located in Lawrence, Massachusetts.

8. As explained in the Special Consideration Review of Mr. Beckman, upon his layoff, Mr. Beckman's duties were shifted to two retained employees, REDACTED and REDACTED. REDACTED was a Financial Planning Analyst III who was fifty-five years old and who had been employed by Bull HN for thirty-two years. REDACTED was the Manager of the Financial Department of the Manufacturing Division who was fifty-two years old and who had been employed by Bull HN for twenty-eight years.

9. On June 14, 2001, I sent a form letter (example of which is attached hereto as Exhibit 1) to each former employee of Bull HN who had worked in Massachusetts and who had signed a general release and severance agreement with Bull HN between July 1, 1994 and July 31, 1998. Enclosed with each letter was a copy of the Memorandum and Order from the United States District Court (Gertner J.) in Commonwealth of Massachusetts v. Bull HN Info. Sys., Inc., 143 F. Supp. 2d 134 (D. Mass. 2001) (attached hereto as Exhibit 2).

10. The list of former employees to whom I sent the form letter and accompanying Memorandum and Order is attached hereto as Exhibit 3. Mr. Beckman is included on this list. The address to which I sent Mr. Beckman's letter is listed as: 6867 Chimere Terrace, Boynton Beach, FL 33437. This letter was not returned to Bull HN.

Signed this 19th day of August, 2003 under the pains and penalties of perjury.

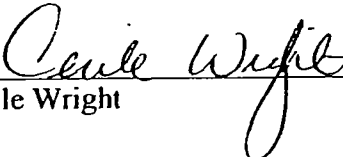

Cecile Wright

EXHIBIT D

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *
STEPHEN BECKMAN, *
Plaintiff *
*
VS. * CIVIL ACTION
* NO. 03-cv-12567
BULL HN INFORMATION SYSTEM, INC., *
Defendant *
* * * * *

DEPOSITION OF STEPHEN BECKMAN, called by the
Defendant, pursuant to Rules 26 and 30 of the Federal
Rules of Civil Procedure, before Ruth E. Hulke, Certified
Shorthand Reporter No. 114893 and Notary Public for the
Commonwealth of Massachusetts, at Wilmer, Cutler,
Pickering, Hale and Dorr, LLP, 60 State Street, Boston,
Massachusetts, on Thursday, December 16, 2004, commencing
at 12:00 p.m.

1 A. No.

2 Q. Have you ever testified at a trial?

3 A. No.

4 Q. What is your date of birth?

5 A. 7-8-37.

6 Q. Safe me from having to do the math. How old
7 are you now?

8 A. I think it's -- I don't like to say. I think
9 it's 67.

10 Q. Do you remember what caused you to apply to
11 Honeywell?

12 A. I went through an employment agency, so
13 whatever they were giving me, that was it.

14 Q. And do you remember in what year you began to
15 work for Honeywell?

16 A. I can't remember offhand, but it had to be
17 around '64, '65 time frame.

18 Q. Were you working for a particular branch or
19 department or unit of Honeywell?

20 A. Yes. Brighton.

21 Q. Was it a manufacturing facility?

22 A. Yes, it was.

23 Q. Could you describe for us in general terms what

1 Q. Did you have any promotions after becoming the
2 supervisor of shipments?

3 A. I became a supervisor in Framingham.

4 Q. Was this while it was still Honeywell?

5 A. They had bought this company. And I had to go
6 over there and set up the shipment system there.

7 Q. Were you still doing the same job
8 responsibilities --

9 A. Basically.

10 Q. -- as you described? So you were still costing
11 the value of computer equipment and booking inventory
12 relief?

13 A. Yes.

14 Q. Anything else?

15 A. Inventories.

16 Q. Were you promoted at any other time while it
17 was still Honeywell?

18 A. I think after that, sometime in between those
19 two I may have been promoted -- I can't remember. All I
20 know is I worked for purchasing for a while. I became
21 their accountant, and we set up commodity controls which
22 was assigning each part a different commodity code, and
23 we developed that system. And I was the link between

1 purchasing and accounting setting standards, and that
2 lasted for a while. I can't remember the time frame when
3 it was in there. Then I think from Framingham I went to,
4 I think I went back to Brighton, and I had shipments and
5 labor, I was doing labor there. Then I went to
6 Billerica, and now it was basically staff type person,
7 not supervisor.

8 Q. In what area?

9 A. Different level. It became long-range plans.
10 First it was cost estimate. Then we did, I went into the
11 long-range plans, and I stayed at that for quite a while.
12 Then eventually I was asked to go up to Lawrence and
13 handle the shipments and a new system they were
14 designing, MINX.

15 Q. By that time was it Bull as opposed to
16 Honeywell?

17 A. Oh, yeah. Yeah.

18 Q. Do you have a recollection of when that
19 transition occurred?

20 A. They did so many things. I mean, they bought
21 up different companies. They bought up GE, computers,
22 and I can't remember whether that was part -- No, I think
23 it was still Honeywell at that time. Then --

1 MS. EDGREN: She just asked if you remember at
2 what point.

3 A. I don't remember the dates.

4 Q. Basically, once Bull acquired Honeywell, did
5 you just continue in your same capacity with the new
6 employer?

7 A. Yeah. It was just a different name.

8 Q. With regard to the positions that you held at
9 Honeywell and then at Bull, were they all in the
10 accounting field?

11 A. Yes.

12 Q. You have no engineering background, do you?

13 A. No.

14 Q. Now, I think the last position you had taken us
15 up to was the position in Lawrence dealing with shipments
16 and the MINX system. Do you have a memory of when you
17 first went to Lawrence?

18 A. Somewhere after '92.

19 Q. Did you remain at Lawrence until your layoff?

20 A. Yes.

21 Q. Do you recall what your job title was at
22 Lawrence?

23 A. No.

1 A. I can't remember when I started in Lawrence.
2 It was, has to be after that last review I had from Carol
3 Morse.

4 Q. Which was in December of 1991.

5 A. So I don't remember when it was. I thought it
6 was '92. But whatever it was, it had to be after that
7 they called and asked me to come up there.

8 Q. At the time that you were asked to go to
9 Lawrence, did anyone say to you that that was a temporary
10 position?

11 A. No. The implication was that it was. You
12 know, we need help, come on up. I've done it before in
13 previous jobs. I had went from one department and then
14 gone down to Brighton to help people.

15 Q. Was there any discussion of your returning to
16 Billerica at some point?

17 A. No. They just said, you know, we need to get
18 the job done.

19 Q. Did someone say when you get the job done
20 you're going back to Billerica?

21 A. My recollection, I thought they did, but I'm
22 not sure at this point in time. It's been so long.

23 Q. Is it length of the time that has passed making

1 it difficult for you to remember details of this nature?

2 A. Yeah.

3 Q. Do you have any recollection of who it is that
4 said to you that you would go back or you might go back?

5 A. I think it's one of those two people.

6 Q. Hannon or Schroeder?

7 A. Right.

8 Q. Did you have any conversations with your then
9 supervisor, Carol Morse, about this departure?

10 A. Yeah. I probably did because I wound up in
11 Lawrence, so, I mean.

12 Q. Do you have a memory of a conversation with
13 Miss Morse?

14 A. No.

15 Q. Do you have a memory of a conversation with
16 anyone at Billerica relating to your departure or any
17 subsequent return?

18 A. I'm sure I mentioned it to some of my workers
19 that I was going up to Lawrence to do something, but on
20 the return portion I don't remember.

21 Q. What did you understand would be the trigger
22 for you to return to Billerica?

23 A. Once the MINX system was in place, then they

EXHIBIT E

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *

STEPHEN BECKMAN,	*	
Plaintiff,	*	
	*	
	*	C.A. No.: 03-CV-12567NG
v.	*	
	*	
BULL HN INFORMATION SYSTEMS INC.,	*	
Defendant	*	
	*	

* * * * *

**PLAINTIFF'S MOTION TO COMPEL DEFENDANT, BULL HN INFORMATION
SYSTEM INC.'S ANSWERS TO INTERROGATORIES AND
PRODUCTION OF DOCUMENTS**

Pursuant to Fed.R.Civ.P. 37(a), now comes the Plaintiff, Stephen Beckman, by and through his attorneys, and requests the Court to: (1) overrule Defendant, Bull HN Information Systems Inc.'s objections to Plaintiff's Interrogatories, Nos. 4, 5, 6, 18, 21 and 23 and Document Response Nos. 2, 6 and 13; (2) order Defendant to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answers in compliance with the rules, to Interrogatories Nos. 4, 5, 6, 18, 21 and 23 and full, complete and responsive documents in compliance with the rules to Document Requests No. 2, 6 and 13; and, (3) impose sanctions upon Defendant and their counsel including awarding Plaintiff reasonable attorneys' fees and costs incurred as the result of the Defendant's failures to have answered these interrogatories in accordance with the rules.

The grounds for this motion are set forth in the following memorandum.

CERTIFICATE AS TO COMPLIANCE WITH LOCAL RULE 37.1

Plaintiff has complied with Local Rule 37.1. Counsel for Plaintiff, Nancie L. Edgren and Counsel for Defendant, Kelly Black-Holmes, conferred via telephone on January 13, 2005 at approximately 3:00 p.m. for approximately fifteen minutes. The parties were able to resolve their dispute with regard to Interrogatory Nos. 19 and 25 and Document Request Nos. 3 and 11. Thereafter, the parties entered into a Stipulated Protective Order and Defendant provided additional documents pursuant to the Protective Order. The parties have not been able to resolve their dispute regarding the following interrogatories and document requests:

MEMORANDUM

INTERROGATORY NO. 4

With respect to the Defendant's entire employment force, please state:

- a. The name of each job category and subcategory from January 1, 1993 to date;
- b. The duties performed and responsibilities fulfilled by employees in each job category and subcategory,
- c. The number of (i) employees under the age of 40, and (ii) employees of the age of 40 and over, in each job category and subcategory each year as of January 1, 1993 to date.

ANSWER NO. 4

Bull HN objects to Interrogatory No. 4 on the grounds that it is overbroad, unduly burdensome, oppressive, and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence.

ARGUMENT

Defendant's objections to Interrogatory No. 4 are without merit. Requiring the

Defendant to provide information regarding its workforce, including the number of employees under and over the age of forty is well within the bounds of permissible discovery. Fed.R.Civ.P. 26 and 33; Local Rules 26.1 and 33.1. Fed.R.Civ.P. 26 states that as a matter of right,

[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter....[] Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.....

(Emphasis added.)

Certainly, information pertaining to the age of the Defendant's work force is relevant to the Plaintiff's age discrimination claims and is also likely to lead to the discovery of admissible evidence because such evidence may show that the Defendant had a history of discriminatory animus and pattern of terminating older employees. The objections should be overruled and the Defendant should be required by the Court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Interrogatory No. 4 in compliance with the rules.

INTERROGATORY NO. 5

For each employee identified in Interrogatory No. 4, who was terminated during the period from January 1, 1993 to the present, state:

- a. The name of the employee;
- b. The job category or subcategory of the employee;
- c. The nature of the termination, such as layoff, voluntary quit, discharge for cause, etc.

- d. A statement of any transfer offered to the employee prior to termination and as an alternative to termination;
- e. The age of the employee at the time of termination;
- f. The years of service of the employee at the time of termination;
- g. The ages of all other employees remaining in the terminated employee's place of business or other working area at the time of termination;
- h. The years of service of all other employees remaining in the terminated employee's place of business or other working areas at the time of termination (stated in such a manner as can be correlated with the answers to subparagraph g),
- i. The age of the replacement, if any, or person assuming the duties for each terminated employee;
- j. The years of service of the replacement for each terminated employee;
- k. A statement of each reduction in pay or downgrading in position of the terminated employee within five years prior to the date of his or her termination.

ANSWER NO. 5

Bull HN objects to Interrogatory No. 5 on the grounds that it is overbroad, unduly burdensome, oppressive, and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence. Bull HN further objects on the grounds that this Interrogatory may infringe upon the privacy rights of others, who are not party to this action.

Subject to and without waiving the foregoing specific or general objections, Bull HN refers Beckman to the documents provided in response to Beckman's Document Request 2 which contain data pertaining to the Point in Time Lawrence Manufacturing Layoffs in 1994 and

1995 and the Lawrence Manufacturing Plant Shutdown Layoffs in 1995.

ARGUMENT

Bull's Answer to Interrogatory No. 5 is incomplete and non-responsive because Plaintiff requested information pertaining to all of the layoffs, not just the Lawrence Plant or the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 and the Lawrence Manufacturing Plant Shutdown Layoffs in 1995. Information pertaining to all of the employees that Bull laid off is reasonably likely to lead to the discovery of admissible evidence because such evidence may show that Bull had a discriminatory animus and a pattern of laying off older workers. The Defendant's objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Interrogatory No. 5 in compliance with the rules.

INTERROGATORY NO. 6

Please state whether the Defendant has ever received a complaint of discrimination based on age. If yes, please state:

- a. Whether the date when the complaint was received, or when the charge, notice, or action was filed;
- b. The office or the court in which the matter was filed, and the docket number or other numerical designation;
- c. The name of the complainant or plaintiff and the name of the employer;
- d. The current status of the charge, notice or complaint, if it is currently longer pending;
- e. The disposition of the charge, notice or complaint if it is no longer pending.

ANSWER NO. 6

Bull HN objects to Interrogatory No. 6 on the grounds that it is overbroad, unduly burdensome, oppressive, and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing specific or general objections, Bull HN refers Beckman to the documents provided in response to Beckman's Document Request 13 which contain all court and administrative agency filings in connection with age discrimination claims stemming from either the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 or the Lawrence Manufacturing Plant Shutdown Layoffs in 1995, and states that the lawsuit brought by Robert Madigan has been settled and dismissed, the administrative charge brought by Jeannette Giguere has been closed and the administrative charges brought by John Howe and Frank Gomez remain pending.

ARGUMENT

Defendant Bull has provided only those court and administrative filings filed in connection with discrimination claims stemming from either the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 or the Lawrence Manufacturing Plant Shutdown Layoffs in 1995, however, Plaintiff requested information pertaining to all complaints of discrimination based on age. The information pertaining to other complaints of discrimination is reasonably likely to lead to the discovery of admissible evidence because such evidence may show that Bull had a discriminatory animus and a pattern of laying off older workers. There are additional complaints filed against Bull as evidenced by the document provided during the course of discovery by Bull showing that there are at least eight complaints filed, although the

other information pertaining to the other complaints has been redacted. See Exhibit A attached hereto. Furthermore, the parties have entered into a Protective Order thereby protecting the privacy rights of other former employees.

The objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Interrogatory No. 6 in compliance with the rules.

INTERROGATORY NO. 18

For each terminated employee based on layoff or job elimination, for the period January 1, 1993 to the present, please state:

- a. The name, position, department, salary, and age of each employee who was affected;
- b. The criteria established to select employees for layoff or job elimination;
- c. The date of each layoff or job elimination;
- d. The form and manner of communication of each;
- e. The reason for each layoff or job elimination;
- f. The name, title, and age of the person responsible for determining which employees were affected.

ANSWER NO. 18

Bull HN objects to Interrogatory No. 18 on the grounds that it is overbroad, unduly burdensome, oppressive, and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence. Bull HN further objects on the grounds that this Interrogatory may infringe upon the privacy

rights of others, who are not party to this action.

Subject to and without waiving the foregoing specific or general objections, Bull HN refers Beckman to the documents provided in response to Beckman's Document Request 2 which contain data pertaining to the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 and the Lawrence Manufacturing Plant Shutdown Layoffs in 1995.

ARGUMENT

Bull's Answer to Interrogatory No. 18 is non-responsive because Plaintiff requested information pertaining to all of Bull's layoffs, not just the Lawrence Plant or the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 and the Lawrence Manufacturing Plant Shutdown Layoffs in 1995. Information pertaining to all the laid off employees is reasonably likely to lead to the discovery of admissible evidence because such evidence may show that Bull had a discriminatory animus and a pattern of laying off older workers. The objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Interrogatory No. 4 in compliance with the rules.

INTERROGATORY NO. 21

Were other employees subject to layoff or job elimination based on the same factors that resulted in plaintiff's layoff or job elimination? If yes, please state:

- a. The total number of employees terminated or laid off as a result of these factors;
- b. Their names, titles and ages;
- c. The date of their layoff or job elimination;

d. The date of recall, if any.

ANSWER NO. 21

Bull HN objects to Interrogatory No. 21 on the grounds that it is overbroad, unduly burdensome, oppressive, and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence. Bull further objects on the grounds that this interrogatory may infringe upon the privacy rights of others who are not party to this action.

Subject to and without waiving the foregoing specific or general objections, Bull HN states that at the time that Beckman was selected for layoff, one other employee in Beckman's group was also selected for layoff and provides the following data on that employee as of the date of Beckman's layoff:

Name: [Name withheld]
Title: Accountant I
Ages: 29 years
Notification date of layoff: December 16, 1994.

ARGUMENT

Bull's Answer to Interrogatory No. 21 is non-responsive and incomplete because Plaintiff requested whether other employees were subject to layoff or job elimination based on the same factors that resulted plaintiff's layoff or job elimination, however, Defendant responded by providing the name of one person in Plaintiff's group. Plaintiff did not narrow the request solely to Plaintiff's group. Whether Defendant used the same factors to lay off other individuals and their ages is relevant to the Plaintiff's age discrimination claim because such evidence may show that the reasons given for his layoff were merely Pre-Textual if others were not subject to the

same criteria as he was other older workers in selection for layoff. The objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Interrogatory No. 21 in compliance with the rules.

INTERROGATORY NO. 23

Please identify the average age of the defendant's workforce at the time of the Plaintiff's layoff or job elimination compared to the present average age as follows:

- a. Total employees on a full-time equivalency basis,
- b. By department,
- c. By employees in plaintiff's pay scale or job grade.

ANSWER NO. 23

Bull HN objects to Interrogatory No. 23 on the grounds that it is overbroad, unduly burdensome, oppressive, seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing specific and general objections, Bull states that the average age of all manufacturing division employees who worked in the Lawrence, Massachusetts plant and who were on Bull HN's payroll (and were not collecting severance payments), was 47.53 years on December 31, 1994 and 50.29 years on December 31, 1995.

ARGUMENT

Defendant, Bull's Answer to Interrogatory No. 23 is not responsive and incomplete

because Plaintiff is seeking information pertaining to Bull's entire workforce, not just the manufacturing division employees who worked in the Lawrence plant. The average age of the Defendant, Bull's entire workforce is relevant to show whether older workers were laid off in larger numbers than other workers. The objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Interrogatory No. 23 in compliance with the rules.

REQUEST NO. 2

All documents and records regarding Defendant's layoffs from January 1, 1993 to the present including names, addresses, title, job descriptions and ages of those laid off.

RESPONSE NO. 2

Bull HN objects to this request on the grounds that it is overbroad, unduly, burdensome, oppressive and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence. Bull HN further objects on the grounds that this request may infringe upon the privacy rights of others, who are not party to this action. Subject to and without waiving the foregoing specific and general objections, Bull HN will produce the following data in spreadsheet form; layoff notification date, title, and age, regarding layoffs of employees who worked in the manufacturing division of Bull HN in the Lawrence, Massachusetts plant and show notification date occurred in 1994 and 1995 prior to the decision to shut down the Lawrence, Massachusetts plant (the "Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995"). Without admitting that Beckman was part

of the layoffs arising out of Bull HN's decision to shut down the Lawrence, Massachusetts plant, Bull HN will also produce the same type of data in spreadsheet form regarding layoffs of employees who worked in the manufacturing division of Bull HN in the Lawrence, Massachusetts plant and whose notification dates occurred in 1995 after the decision was made to shut down the Lawrence, Massachusetts plant (the "Lawrence Manufacturing Plant Shutdown Layoffs in 1995").

ARGUMENT

Plaintiff requested documents concerning all layoffs from January 1, 1993, to the Present. Information pertaining to the layoffs is relevant to the Plaintiff's age discrimination claims and is also likely to lead to the discovery of admissible evidence because such evidence may show that the Defendant had a history of discriminatory animus and pattern of laying off older employees. Furthermore, the parties have entered into a Protective Order thereby protecting the privacy rights of other former employees. The objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive response to request No. 2 in compliance with the rules.

REQUEST NO. 6

Any waivers or releases the Defendant may have signed to settle pending EEOC or MCAD claims, civil suits, or in conjunction with employee discharges, voluntary or involuntary layoffs.

RESPONSE NO. 6

Bull HN objects to this request on the grounds that it is overbroad, unduly burdensome and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence. Bull HB also object to this interrogatory to the extent that it seeks confidential settlement documents. Subject to and without waiving the foregoing specific and general objections, Bull HN will produce the non-confidential waivers or release that it signed, if any, in connection with age discrimination claims stemming from either the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 or from the Lawrence Manufacturing Plant Shutdown Layoffs in 1995.

ARGUMENT

Plaintiff requested documents Any waivers or releases the Defendant may have signed to settle pending EEOC or MCAD claims, civil suits, or in conjunction with employee discharges, voluntary or involuntary layoffs. Once again, the Defendant narrowed the request and responded providing information pertaining only to the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 or from the Lawrence Manufacturing Plant Shutdown Layoffs in 1995.

Defendant's response is therefore not complete. Information pertaining to other claims of discrimination is likely to lead to the discovery of admissible evidence because such evidence may show that the Defendant had a history of discriminatory animus and pattern of laying off older employees. The objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Request No. 6 in compliance with the rules.

REQUEST NO. 13

All documents concerning any litigation, complaints, or charges involving age discrimination by employees of the Defendant, from January 1, 1993 to the present.

RESPONSE NO. 13

Bull HN objects to this request on the grounds that it is overbroad, unduly burdensome, oppressive and seeks information which is neither relevant to the claims or defenses of the parties nor reasonably likely to lead to the discovery of admissible evidence. Without waiving the foregoing specific objections, Bull HN will produce all court and administrative agency filings in connection with age discrimination claims stemming from either the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 or the Lawrence Manufacturing Shutdown Layoffs in 1995.

ARGUMENT

All documents concerning any litigation, complaints, or charges involving age discrimination by employees of the Defendant, from January 1, 1993 to the present. Once again, the Defendant narrowed the request and responded by providing information pertaining only to the Point in Time Lawrence Manufacturing Layoffs in 1994 and 1995 or from the Lawrence Manufacturing Plant Shutdown Layoffs in 1995. Defendant's response is therefore not complete. Information pertaining to other claims of discrimination is likely to lead to the discovery of admissible evidence because such evidence may show that the Defendant had a history of discriminatory animus and pattern of laying off older employees. The objections should be overruled and the Defendant should be required by the court to serve upon Plaintiff's

counsel within 10 calendar days of the entry of the court's order on this motion, full, complete and responsive answer to Request No. 13 in compliance with the rules.

REQUEST FOR HEARING AND ORAL ARGUMENT.

Plaintiff requests a hearing and oral argument. There is currently a status conference scheduled for March 22, 2005, at which time this Motion could be addressed.

Respectfully submitted,
The Plaintiff,
By his attorneys,

/s/ Nancie L. Edgren
Denise L. Page, Esq.
BBO No. 119415
Nancie L. Edgren, Esq.
BBO No. 648665
BARRON & STADFELD, P.C.
100 Cambridge Street, Suite 1310
Boston, Massachusetts 02114
617.723.9800

Date: March 2, 2005

[313835]

EXHIBIT A

Bull

Kurt A. Ogle
Vice President,
General Counsel & Secretary

August 9, 2004

Send by Facsimile and Regular Mail: (617) 565-3196

Mr. Ed Ostolski

Investigator
U.S Equal Employment Opportunity Commission
Boston Area Office
John F. Kennedy Federal Building
Government Center, Room 475
Boston, MA 02203

Re: Various EEOC Related Charges Against Bull HN Information Systems Inc.

Dear Mr. Ostolski:

I wanted to provide you with a quick recap of where we are in responding to the various charges that have been filed by former Bull HN Information Systems Inc. employees with the Boston Office of the EEOC.

REDACTED

REDACTED

New Charges Recently Filed for Which Extensions Are Requested:

The purpose of this letter is to set forth the proposed extension dates for Bull HN to respond to Charges that have been filed since our last letter to you. The reasons for these extensions are similar to the ones that have been previously articulated. We have also assumed that it would be the EEOC's preference for responses to be filed in the order in which the charges have been filed.

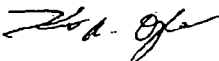
<u>Name of Charging Party</u>	<u>Charge No.</u>	<u>Date by Which Response Shall be Sent to the EEOC</u>
	REDACTED	
3. Howe	161-2004-00342	October 13, 2004

REDACTED

We believe that permitting Bull this additional amount of time on these charges and permitting more than the traditional two (2) weeks to respond with charges in the future will ultimately facilitate the EEOC's goal of having the opportunity to evaluate both sides' position in the particular case before deciding whether there is probable cause of age discrimination. Unless we hear from you to the contrary, we will assume that the EEOC is in agreement with an extension for Bull to send responses to the matters described above by the dates indicated.

We appreciate your understanding on this matter.

Sincerely,



Kurt A. Ogle
General Counsel
Bull HN Information Systems Inc.